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COMMUNITY CARE ADVISORY COUNCIL

Annual Report to the Idaho Legislature for
Year Ending December 31, 2017

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Background



The Community Care Advisory Council (CCAC) was formed by statutes (Idaho Code §39-3330, §39- 3331, §39-3332, §39-3333, and §39-3511) passed in the 2005 legislative session. The statutes combine the former Board and Care Advisory Council and the Residential Care Council for the Elderly into a single entity of 20 members appointed by the organizations and/or agencies represented on the Council.

The Council is a forum for stakeholders in Residential Care or Assisted Living Facilities (RALFs) and Certified Family Homes (CFHs).

Assisted living facilities provide a humane, safe, and homelike living arrangement for adults who need some assistance with activities of daily living but do not require skilled nursing care. Residents of assisted living facilities in Idaho include individuals who are aged, have physical or developmental disabilities or mental illness.

Certified family homes provide a homelike alternative designed to allow individuals to remain in a more normal family-styled living environment, usually within their own community. Certified family homes provide a home to individuals who are elderly, individuals with a mental illness, developmental disabilities, physical disabilities or to those unable to live alone, and whose mental, emotional and physical condition can be met by the care provider to delay the need for more expensive congregate care or other institutional care.

The Purpose of the Council is as follows:

- To make policy recommendations regarding the coordination of licensing and enforcement standards in residential care/assisted living facilities and certified family homes as well as provision of services to residents in those settings.
- To advise the agency during development and revision of rules.
- To review and comment upon any proposed rules pertaining to residential care/ assisted living facilities or certified family homes.
- To submit an annual report to the legislature stating opinions and recommendations which would further the state's capability in addressing residential care/assisted living facility and certified family home issues.

Council Membership

The CCAC is comprised of assisted living and certified family home providers as well as advocates for individuals who are elderly or with developmental disabilities or mental illness and residents or family members of these two types of facilities. The Director of the Department of Health and Welfare or his designee also serves on the Council. In 2016, the Council elected to add a non-voting position, a Resident/Family Member-RALF. This member has provided valuable insight as an individual with a Developmental Disability and as a resident who plans to reside in an assisted living facility.

Below is a roster of Council members as of December 31, 2017:

	Position	Member	Organization
1	DHW Director's Rep	Tamara Prisock	Department of Health and Welfare
2	State Ombudsman	Cathy Hart	Idaho Commission on Aging
3	Director, State Protection/Advocacy Representative	Angela Eandi	DisAbility Rights Idaho
4	Director, Idaho Council on Developmental Disabilities	Christine Pisani Vice-Chair	Idaho Council on Developmental Disabilities
5	IHCA Executive Director Appointee	Kris Ellis	Idaho Health Care Association
6	IHCA RALF Administrator	Charlene Pickering	Touchmark
7	IHCA RALF Administrator	Nicole Ellis	The Cottages
8	IHCA RALF Administrator	Steve Lish Chair	Discovery Care Center
9	RALF Administrator At-Large	Keith Fletcher	Ashley Manor Assisted Living
10	RALF Administrator At-Large	Jim Varnadoe	Overland Court Senior Living
11	AARP Representative	Francoise Cleveland	AARP
12	Advocate for Individuals with Mental Illness	Kathie Garrett	National Alliance on Mental Illness
13	CFH Provider/Resident or Family Member	Wanda Warden	Certified Family Home
14	CFH Provider	Eva Blecha	Certified Family Home
15	CFH Provider	Pam Estes	Certified Family Home
16	CFH Provider	Mary Blacker	Certified Family Home
17	CFH Provider	Rebecca Solders	Certified Family Home
18	Resident/Family Member - RALF	Elishia Smith	Trinity Assisted Living
19	Resident/Family Member - RALF	Doug Park	Resident/Family Member
20	Resident/Family Member - CFH	Leroy Smith	Resident/Family Member
21	Resident/Family Member – RALF (non-voting member)	James Steed	Future Resident RALF

In 2017, the Council met on January 24th, April 25th, July 25th, and October 24th. Council meetings are open to the public.

Issues and Recommendations

Funding Issues

As reported in both the 2016 and 2017 Annual Reports, providers continue to express concern that negotiations with the Department of Health and Welfare's Division of Medicaid concerning outdated rates for Medicaid reimbursement have not resulted in increased rates.

Reimbursement rates for services provided in Certified Family Homes are at rates that are almost 15 years old, personal care service rates in Residential Assisted Living Facilities are lower than what they were in 2009 and personal attendant rates are less than they were in 2009. Providers are concerned that as time has gone by, numerous supports for clients have been curtailed or eliminated and new burdens on providers have evolved. The Council continues to recommend there be a fresh look at the current operating environment to ensure that funding is adequate to safely care for residents according to established regulations and recent interpretations of such.



Placement of Individuals with Difficult Behaviors

Also included in last year's annual report, an issue that continues to exist in Idaho is the difficulty finding appropriate residential placements for individuals who exhibit difficult behaviors. Requirements for assisted living facility licenses or for certified family home certifications require those types of health care entities not admit or keep individuals who could potentially harm themselves or others. Most of the individuals are Medicaid recipients. Providers feel they do not receive sufficient Medicaid reimbursement to implement the supervision and services needed to effectively manage the difficult behaviors. This situation requires providers to either run a risk of losing their license if the resident harms him/herself or another resident or to discharge the resident, even when the resident has nowhere else to go. The Council recommended the Department explore ways to address the issue. The Division of Licensing and Certification worked with the Department of Health and Welfare's Divisions of Behavioral

Issues and Recommendations (cont.)

Health and Medicaid to develop a new residential treatment model for the state—Homes for Adult Residential Treatment (HART) for individuals with serious and persistent mental illness who are Medicaid participants and have a history of serious behaviors that make placement in traditional assisted living facilities or certified family homes difficult. The Division of Behavioral Health signed contracts with two facilities in Idaho to pilot the residential treatment model. Also, the Division of Licensing and Certification presented training about the licensing requirements related to Behavior Management to 400 facility management and staff members across Idaho to ensure providers had clear understanding of the requirements. The Council will continue to monitor this issue in 2018.

Emergency/Crisis Placement

Certified Family Home (CFH) providers who serve on the Council as well as other CFH providers who have attended Council meetings shared their difficulties with finding emergency placements when a resident in their care must relocate to another home. Reasons for relocation include escalating behavior of the resident that threatens other residents, medical needs that cannot be addressed by the current provider, or resident choice. Although the Department has developed a process for obtaining approval for emergency placements, it is difficult to find an emergency placement when an event occurs. The Council recommends the Department develop an accurate list of providers who are willing to take emergency placements that can be readily accessible to all providers who experience that need. In 2017, Certified Family Home Specialists in the Division of Licensing and Certification began to identify providers who are willing to take emergency placements by adding the question to the inspection checklist. A field was added to the program's database to collect and store the information from which the list can be generated. By the end of 2018, CFH Specialists will have collected the information necessary to generate the list. The Council will continue to monitor this issue in 2018.



Issues and Recommendations (cont.)

Memory Care/Secure Memory Units

Assisted Living Facilities and Certified Family Homes are experiencing increased numbers of residents with Alzheimer's or dementia. Caring for this population requires additional supervision, staff training, special programs, and enhanced building security measures. The Council recommends the Division of Licensing and Certification work with other agencies in researching memory care unit models and best practices.

Listening Sessions for Residents and Family Members

In 2017, the Council discussed ways it might be able to obtain more direct input from residents of assisted living facilities and certified family homes and their family members about the quality of care in Idaho facilities and ways that care can be improved through the partnership between the Department and providers. As stated earlier in the report, a sub-committee was formed to look at the possibility of developing a survey for this purpose. As that work continues, another idea that surfaced was the idea of holding listening sessions as a way of making it as easy as possible for residents and family members to share their input with the Council. The Council will develop a strategy and schedule for holding listening sessions in 2018.

2018 Council Priorities

- **Listening Sessions for Residents and Family Members**
- **Resident Advocacy**
- **Memory Care/Secure Memory Units**
- **Emergency/Crisis Placement in Certified Family Homes for Individuals with Developmental Disabilities and Mental Illness**
- **Successful residential placements for individuals with mental illness or Alzheimer's/dementia**
- **Development of Additional On-line Resources for providers and the general public related to Certified Family Homes.**

Residential Assisted Living Facilities

The following is information from the Department of Health and Welfare about surveys conducted

related to licensure of residential assisted living facilities.

Surveys Completed

	2013	2014	2015	2016	2017
Number of Licensed Beds	9056	9276	9721	9943	10,064
Number of Buildings	352	355	360	359	360
Surveys Completed					
Initial Surveys	24	23	12	15	27
Licensure Surveys (Annual)	57	89	38	97	115
Follow-up Surveys	22	33	39	33	29
Complaint Investigations	195	130	152	194	93
Total Surveys Completed	303	273	255	341	264
Number of full-time Surveyors	8	8	7.5	12.5	12.5

Note: The RALF program has 9 full-time surveyor positions. Starting in March 2016 and continuing in 2017, additional, temporary surveyors were hired and trained to address the backlog. There are currently 57 overdue licensure surveys.

Most Common Deficiencies Cited**

Core Deficiencies	Times Cited 2014	Times Cited 2015	Times Cited 2016	Times Cited 2017
Inadequate Care Includes any of the Following: Acceptable Admission/Retention Resident Rights Safe Living Environment Supervision Assistance-Monitoring of Medications Coordination of Outside Services Negotiated Service Agreement	24	28	31	33
No Administrator > 30 days	3	3	3	3
Abuse	8	7	10	5
Neglect	5	4	5	2
Exploitation	1	1	1	2
Surveyors Denied Access	0	0	1	0

** Note: Core deficiencies are defined by statute and involve abuse, neglect, exploitation, inadequate care, and other situations that risk the health and safety of the residents.

Residential Assisted Living Facilities (continued)

Most Common Deficiencies Cited (cont.)**

Non-Core (Punch List) Deficiencies	Times Cited in 2014	Times Cited in 2015	Times Cited in 2016	Times Cited in 2017
RN assessment of health status	52	53	59	60
Negotiated Service Agreement	26	27	50	63
Investigate incidents, accidents, allegations and complaints	31	41	50	45
Current medication orders	29	31	43	43
Housekeeping and Maintenance	23	26	40	26
Notify Nurse of Change in Condition	28	28	32	32
RN assessments of Changes in Condition	28	26	40	32
RN presence and availability	26	22	36	32
Psychotropic Medication Reviews	19	23	34	37
Written Response to Complainant	18	16	29	28
Fire Safety Requirements	25	21	22	41
Fire Drills	22	22	20	44
Fire Alarm/Smoke Detector System	18	16	16	32
Behavior Management Plans	26	26	19	22

*** A Non-core or "punch list" deficiency is a violation of the requirements established in Title 39, Chapter 33, Idaho Code and IDAPA 16.03.22 that doesn't meet the definition of a core deficiency.*

Additional RALF Information

The Department of Health and Welfare received 129 complaints regarding assisted living facilities from January 1 – December 31, 2017. Of 199 allegations investigated, 58% were substantiated.

Enforcement

The Department of Health and Welfare is directed by statute to establish a number of enforcement remedies to apply to facilities who do not meet licensing requirements.

Enforcement actions are defined in IDAPA 16.03.22.900.

Enforcement Action	2013	2014	2015	2016	2017
Provisional License	12	7	9	19	13
Required Consultant	4	4	7	14	7
Civil Monetary Penalties	6	15	13	13	9
Ban on Admissions	5	1	6	9	11
Revocation of License	0	0	2	2	1
Summary Suspension	1	0	0	0	1
Temporary Management	0	0	1	1	2

Feedback on Surveyor Performance

After each survey, facilities are asked to provide the Department feedback on the survey process. For each question, facilities provide a score between 1 (unacceptable) and 5 (Excellent). Fifty-nine comment cards were submitted. Below are the average scores for each question.

Question	Score
Surveyors were knowledgeable of the IDAPA rules and the survey process	4.5
Surveyors communicated issues and rules in a clear, understandable manner	4.5
Surveyors were respectful when explaining issues and listening to facility staff	4.6
Surveyors took the time to answer questions	4.7
Survey staff was professional in their actions and appearance	4.6
Survey staff was helpful and directed us on where we could get additional help	4.6

Certified Family Homes

The following is information from the Department of Health and Welfare about surveys conducted related to certification of certified family homes.



Surveys Completed

	2013	2014	2015	2016	2017
Number of Certified Beds	3025	3174	3295	3317	3409
Number of Homes	2196	2267	2357	2391	2447
24-Month Review	1	20	1	39	39
Desk Review	300	243	72	251	176
Follow-up Survey	39	14	17	30	12
Initial Surveys	208	222	242	235	224
Complaint Investigations	79	71	111	62	81
Home Inspections Completed Not Part of Initial or Annual Survey	43	53	58	36	32
Annual Surveys	2041	1963	2149	2167	2193
Total Surveys Completed	2711	2586	2633	2820	2757

Most Common Deficiencies Cited

Core Issue Deficiencies*	Times Cited in 2013	Times Cited in 2014	Times Cited in 2015	Times Cited in 2016	Times Cited in 2017
Inadequate Care: Unacceptable Admission/Retention Violation of Resident Rights Unsafe Living Environment Failure to Provide Supervision No Assistance/Monitoring Meds No Coordination of Outside Services Plan of Service Not Met Failure to Provide First Aid/CPR Failure to Assist with ADLs	269	326	184	131	129
Inoperable Fire Detection/ Extinguishing Systems	0	2	6	3	6
Surveyors Denied Access	2	1	1	2	5
Abuse	9	7	12	5	4
Neglect	2	1	4	3	4
Exploitation	0	2	5	0	2

* Core issue deficiencies are defined at Section 39-3502(12), Idaho Code

Certified Family Homes (cont.)

Enforcement

Non-Core Issue Deficiencies*	Times Cited in 2013	Times Cited in 2014	Times Cited in 2015	Times Cited in 2016	Times Cited in 2017
Non-payment of certification fees for Certified Family Homes	304	301	71	190	170
Failed to maintain current certification in first aid and CPR	63	54	31	16	30
Failed to review emergency preparedness semi-annually	45	59	27	22	28
Failed to document annual review of resident rights	9	11	8	14	27
Failed to document fire drills	35	49	39	25	19
Failed to obtain and/or document required annual ongoing training	50	41	39	7	18
Failed to document quarterly examination of fire extinguishers	29	41	32	16	18
Failed to maintain current homeowner's or renter's insurance	55	42	14	17	17
Failed to document monthly smoke detector tests	44	57	39	28	14

The Department of Health and Welfare is directed by statute to establish a number of enforcement remedies to apply to facilities who do not meet licensing requirements.

Enforcement Actions	2013	2014	2015	2016	2017
Provisional License	61	47	66	26	17
Ban on Admissions	1	2	4	1	1
Revocation	22	25	16	14	17
Summary Suspension	2	2	1	0	1

Certified Family Homes (cont.)

Additional CFH Information

The Department of Health and Welfare received 101 complaints related to Certified Family Homes from January 1, 2017 – December 31, 2017, of which 28 complaints (or 32% of those already investigated) were substantiated.

- 25% were reported from family or friends
- 20% were reported from other healthcare providers
- 16% were reported from Adult Protective Services
- 13% were reported from Department staff
- 10% were reported from other sources
- 7% were reported from former or current staff
- 5% were reported from residents
- 4% were reported anonymously



Council Business

Summary of Work Completed

January 2017

Presentations, Discussions, and Decisions:

- Presentation of the Homes for Adult Residential Treatment (HART) model by Ross Edmunds, Administrator of DHW's Division of Behavioral Health.
- Creation of a certified family home subcommittee to develop a checklist to help families choose a certified family home well-suited to meet their loved one's specific needs.
- Demonstration of the FLARES system for maintaining survey data for assisted living facilities. Demonstration was conducted by Jamie Simpson, Supervisor of the Residential Assisted Living Facilities Program.
- Finalized the Annual Report.
- Creation of a new sub-committee to develop ways to get more feedback from residents and family members related to the care provided in assisted living facilities.

April 2017

Presentations, Discussions, and Decisions:

- The Department updated the Council on the proposed rule changes for certified family homes and then solicited Council feedback about the proposed changes.
- Discussion concerning emergency placements in certified family homes.
- The Department updated the Council concerning the involuntary discharge process for assisted living facilities as well as efforts to identify secure memory units in the state.
- The Department provided an update to the Council concerning Homes for Adult Residential Treatment (HART), the establishment of a Secure Treatment Facility in Idaho, and a study being conducted by the Office of Performance Evaluation on the Department's Licensing and Certification Division.

July 2017

Presentations, Discussions, and Decisions:

- The Department continued the discussion about proposed rule changes for certified family homes and residential assisted living and then solicited additional Council feedback about the proposed changes.
- Steve Millward and Michael Case from DHW presented information about assessments for individuals with developmental disabilities.
- The Council discussed the behavior management requirements in the Residential Assisted Living Facilities rules.
- The Council discussed items to include in the annual report to the Legislature.

October 2017

Presentations, Discussions, and Decisions:

- The Council discussed the Behavior Management training the Department has been providing to assisted living facilities and scheduled a session for the Council to receive the training in November 2017.
- The Department continued the discussion about proposed rule changes for certified family homes and solicited additional Council feedback about the proposed changes.

- The Council discussed several proposals for changes to the Council by-laws, proposed by one of the Council members.
- The Council discussed the possibility of holding listening sessions to encourage residents and the family members of residents to provide input to the Council about things the Council could do to help facility improve services and communication.
- The Council discussed additional items to include in the Council's annual report to the Legislature.

